

Practitioner's Docket No. MPI97-035CP3M

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Acton, Susan L., et al  
Application No.: 09/635501 Group No.: 1654  
Filed: August 9, 2000 Examiner: B.D.Chism  
For: ANGIOTENSIN CONVERTING ENZYME HOMOLOG AND THERAPEUTIC  
AND DIAGNOSTIC USES THEREFOR

## MAIL STOP NonFee Amendment

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## STATEMENT OF BIOLOGICAL CULTURE DEPOSIT

I, Kerri Pollard Schray hereby state:  
Name of Applicant or Assignee's representative

1. That the following culture(s) referred to in the specification of this application have been deposited:

DNA plasmid pf34e10 209510  
Strain Accession number

2. That the date of the above deposit is before the U.S. filing date of this application.

3. That the name and address of the depository is:

American Type Culture Collection (ATCC)

Name of depository

10801 University Blvd Manassas, VA 20110

Address of depository

## CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

☐ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## 37 C.F.R. SECTION 1.8(a)

☐ with sufficient postage as first class mail.

## 37 C.F.R. SECTION 1.10\*

☐ as "Express Mail Post Office to Address"  
Mailing Label No.

## TRANSMISSION

☒ transmitted by facsimile to the Patent and Trademark Office.

Signature

Kerri Pollard Schray

(type or print name of person certifying)

Date: 3 September 2003

*\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.*

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4. That a statement that the culture(s) deposited with the above named depository was viable and was capable of reproduction, if appropriate, on the date of deposit is attached. Such statement is executed by the depository.

5. That, with respect to the permanence of the culture(s) deposit:

- a. ☒ the depository is an official depository, in accordance with the Budapest Treaty for the above deposited culture(s).
- b. ☒ the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.
- c. ☒ evidence that permanent availability of the microorganism is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited culture.

I affirm that should the microorganism mutate, become nonviable or be inadvertently destroyed, applicants will replace such microorganism for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

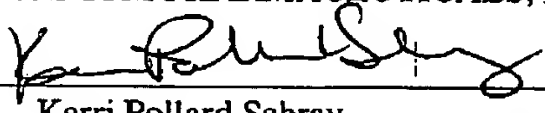
6. That, with respect to availability of the culture(s), I affirm that the deposit has been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the culture so deposited will be irrevocably removed upon the granting of the patent (M.P.E.P. 608.01 (p)), and (b) access to the culture will be available during pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. section 1.14 and 35 U.S.C. section 122.

☒ Evidence of the accessibility of the culture(s) as set forth above is provided in the form of the attached copy of the contract with the above mentioned depository with respect to the deposited cultures.

3 September 2003

MILLENNIUM PHARMACEUTICALS, INC.

By

  
Kerri Pollard Schray  
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75 Sidney Street  
Cambridge, MA 02139  
Telephone - 617-551-3676  
Facsimile - 617-551-8820

**OFFICIAL**

☒ Person authorized to sign on behalf of assignee

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# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: 301-231-5519 or 231-5532 • FAX: 301-816-4366

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

## INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Millennium Pharmaceuticals, Inc.  
Attn: Mark F. Boshar  
640 Memorial Drive  
Cambridge, MA 02139

Deposited on Behalf of: Millennium Pharmaceuticals, Inc.

Identification Reference by Depositor:

ATCC Designation

DNA plasmid pf34e10

209510

The deposit was accompanied by: \_\_\_ a scientific description \_\_\_ a proposed taxonomic description indicated above.

The deposit was received December 3, 1997 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested December 11, 1997. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey  
Barbara M. Hailey, Administrator, Patent Depository

Date: December 11, 1997